

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 380,  
2 Page 1, In the Title, Line 3, by inserting immediately after the word "care" the words ", with penalty  
3 provisions"; and  
4

5 Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the  
6 following:  
7

8 "160.261. 1. The local board of education of each school district shall clearly establish a  
9 written policy of discipline, including the district's determination on the use of corporal punishment  
10 and the procedures in which punishment will be applied. A written copy of the district's discipline  
11 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or  
12 legal guardian of every pupil enrolled in the district at the beginning of each school year and also  
13 made available in the office of the superintendent of such district, during normal business hours, for  
14 public inspection. All employees of the district shall annually receive instruction related to the  
15 specific contents of the policy of discipline and any interpretations necessary to implement the  
16 provisions of the policy in the course of their duties, including but not limited to approved methods  
17 of dealing with acts of school violence, disciplining students with disabilities and instruction in the  
18 necessity and requirements for confidentiality.

19 2. The policy shall require school administrators to report acts of school violence to all  
20 teachers at the attendance center and, in addition, to other school district employees with a need to  
21 know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel  
22 who are directly responsible for the student's education or who otherwise interact with the student on  
23 a professional basis while acting within the scope of their assigned duties. As used in this section,  
24 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a  
25 student with the intent to do serious physical injury as defined in section 556.061 to another person  
26 while on school property, including a school bus in service on behalf of the district, or while  
27 involved in school activities. The policy shall at a minimum require school administrators to report,  
28 as soon as reasonably practical, to the appropriate law enforcement agency any of the following  
29 crimes, or any act which if committed by an adult would be one of the following crimes:

30 (1) First degree murder under section 565.020;

31 (2) Second degree murder under section 565.021;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

- 1 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in  
2 the first degree under section 565.110;
- 3 (4) First degree assault under section 565.050;
- 4 (5) Rape in the first degree under section 566.030;
- 5 (6) Sodomy in the first degree under section 566.060;
- 6 (7) Burglary in the first degree under section 569.160;
- 7 (8) Burglary in the second degree under section 569.170;
- 8 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,  
9 or robbery in the first degree under section 570.023;
- 10 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or  
11 manufacture of a controlled substance under section 579.055;
- 12 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,  
13 2017, or delivery of a controlled substance under section 579.020;
- 14 (12) Arson in the first degree under section 569.040;
- 15 (13) Voluntary manslaughter under section 565.023;
- 16 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,  
17 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in  
18 the second degree under section 565.027;
- 19 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or  
20 second degree assault under section 565.052;
- 21 (16) Rape in the second degree under section 566.031;
- 22 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or  
23 kidnapping in the second degree under section 565.120;
- 24 (18) Property damage in the first degree under section 569.100;
- 25 (19) The possession of a weapon under chapter 571;
- 26 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to  
27 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067,  
28 566.068, or 566.069;
- 29 (21) Sodomy in the second degree pursuant to section 566.061;
- 30 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 31 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 32 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment  
33 in the first degree under section 565.090; [or]
- 34 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the  
35 first degree under section 565.225; or
- 36 (26) Making a terrorist threat under section 574.115;  
37  
38 committed on school property, including but not limited to actions on any school bus in service on  
39 behalf of the district or while involved in school activities. The policy shall require that any portion  
40 of a student's individualized education program that is related to demonstrated or potentially violent  
41 behavior shall be provided to any teacher and other school district employees who are directly

1 responsible for the student's education or who otherwise interact with the student on an educational  
2 basis while acting within the scope of their assigned duties. The policy shall also contain the  
3 consequences of failure to obey standards of conduct set by the local board of education, and the  
4 importance of the standards to the maintenance of an atmosphere where orderly learning is possible  
5 and encouraged.

6 3. The policy shall provide that any student who is on suspension for any of the offenses  
7 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school  
8 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall  
9 have as a condition of his or her suspension the requirement that such student is not allowed, while  
10 on such suspension, to be within one thousand feet of any school property in the school district  
11 where such student attended school or any activity of that district, regardless of whether or not the  
12 activity takes place on district property unless:

13 (1) Such student is under the direct supervision of the student's parent, legal guardian, or  
14 custodian and the superintendent or the superintendent's designee has authorized the student to be on  
15 school property;

16 (2) Such student is under the direct supervision of another adult designated by the student's  
17 parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which  
18 suspended the student and the superintendent or the superintendent's designee has authorized the  
19 student to be on school property;

20 (3) Such student is enrolled in and attending an alternative school that is located within one  
21 thousand feet of a public school in the school district where such student attended school; or

22 (4) Such student resides within one thousand feet of any public school in the school district  
23 where such student attended school in which case such student may be on the property of his or her  
24 residence without direct adult supervision.

25 4. Any student who violates the condition of suspension required pursuant to subsection 3 of  
26 this section may be subject to expulsion or further suspension pursuant to the provisions of sections  
27 167.161, 167.164, and 167.171. In making this determination consideration shall be given to  
28 whether the student poses a threat to the safety of any child or school employee and whether such  
29 student's unsupervised presence within one thousand feet of the school is disruptive to the  
30 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of  
31 any pupil who is a student with a disability is subject to state and federal procedural rights. This  
32 section shall not limit a school district's ability to:

33 (1) Prohibit all students who are suspended from being on school property or attending an  
34 activity while on suspension;

35 (2) Discipline students for off-campus conduct that negatively affects the educational  
36 environment to the extent allowed by law.

37 5. The policy shall provide for a suspension for a period of not less than one year, or  
38 expulsion, for a student who is determined to have brought a weapon to school, including but not  
39 limited to the school playground or the school parking lot, brought a weapon on a school bus or  
40 brought a weapon to a school activity whether on or off of the school property in violation of district  
41 policy, except that:

1 (1) The superintendent or, in a school district with no high school, the principal of the school  
2 which such child attends may modify such suspension on a case-by-case basis; and

3 (2) This section shall not prevent the school district from providing educational services in  
4 an alternative setting to a student suspended under the provisions of this section.

5 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under  
6 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a  
7 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,  
8 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except  
9 that this section shall not be construed to prohibit a school board from adopting a policy to allow a  
10 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so  
11 long as the firearm is unloaded. The local board of education shall define weapon in the discipline  
12 policy. Such definition shall include the weapons defined in this subsection but may also include  
13 other weapons.

14 7. All school district personnel responsible for the care and supervision of students are  
15 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any  
16 property of the school, on any school bus going to or returning from school, during school-sponsored  
17 activities, or during intermission or recess periods.

18 8. Teachers and other authorized district personnel in public schools responsible for the care,  
19 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by  
20 the school district, shall not be civilly liable when acting in conformity with the established policies  
21 developed by each board, including but not limited to policies of student discipline or when  
22 reporting to his or her supervisor or other person as mandated by state law acts of school violence or  
23 threatened acts of school violence, within the course and scope of the duties of the teacher,  
24 authorized district personnel or volunteer, when such individual is acting in conformity with the  
25 established policies developed by the board. Nothing in this section shall be construed to create a  
26 new cause of action against such school district, or to relieve the school district from liability for the  
27 negligent acts of such persons.

28 9. Each school board shall define in its discipline policy acts of violence and any other acts  
29 that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall  
30 include but not be limited to exertion of physical force by a student with the intent to do serious  
31 bodily harm to another person while on school property, including a school bus in service on behalf  
32 of the district, or while involved in school activities. School districts shall for each student enrolled  
33 in the school district compile and maintain records of any serious violation of the district's discipline  
34 policy. Such records shall be made available to teachers and other school district employees with a  
35 need to know while acting within the scope of their assigned duties, and shall be provided as required  
36 in section 167.020 to any school district in which the student subsequently attempts to enroll.

37 10. Spanking, when administered by certificated personnel and in the presence of a witness  
38 who is an employee of the school district, or the use of reasonable force to protect persons or  
39 property, when administered by personnel of a school district in a reasonable manner in accordance  
40 with the local board of education's written policy of discipline, is not abuse within the meaning of  
41 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division

1 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or  
2 related to the use of reasonable force to protect persons or property when administered by personnel  
3 of a school district or any spanking administered in a reasonable manner by any certificated school  
4 personnel in the presence of a witness who is an employee of the school district pursuant to a written  
5 policy of discipline established by the board of education of the school district, as long as no  
6 allegation of sexual misconduct arises from the spanking or use of force.

7 11. If a student reports alleged sexual misconduct on the part of a teacher or other school  
8 employee to a person employed in a school facility who is required to report such misconduct to the  
9 children's division under section 210.115, such person and the superintendent of the school district  
10 shall report the allegation to the children's division as set forth in section 210.115. Reports made to  
11 the children's division under this subsection shall be investigated by the division in accordance with  
12 the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district  
13 under subsections 12 to 20 of this section for purposes of determining whether the allegations should  
14 or should not be substantiated. The district may investigate the allegations for the purpose of making  
15 any decision regarding the employment of the accused employee.

16 12. Upon receipt of any reports of child abuse by the children's division other than reports  
17 provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which  
18 allegedly involve personnel of a school district, the children's division shall notify the superintendent  
19 of schools of the district or, if the person named in the alleged incident is the superintendent of  
20 schools, the president of the school board of the school district where the alleged incident occurred.

21 13. If, after an initial investigation, the superintendent of schools or the president of the  
22 school board finds that the report involves an alleged incident of child abuse other than the  
23 administration of a spanking by certificated school personnel or the use of reasonable force to protect  
24 persons or property when administered by school personnel pursuant to a written policy of discipline  
25 or that the report was made for the sole purpose of harassing a public school employee, the  
26 superintendent of schools or the president of the school board shall immediately refer the matter  
27 back to the children's division and take no further action. In all matters referred back to the  
28 children's division, the division shall treat the report in the same manner as other reports of alleged  
29 child abuse received by the division.

30 14. If the report pertains to an alleged incident which arose out of or is related to a spanking  
31 administered by certificated personnel or the use of reasonable force to protect persons or property  
32 when administered by personnel of a school district pursuant to a written policy of discipline or a  
33 report made for the sole purpose of harassing a public school employee, a notification of the reported  
34 child abuse shall be sent by the superintendent of schools or the president of the school board to the  
35 law enforcement in the county in which the alleged incident occurred.

36 15. The report shall be jointly investigated by the law enforcement officer and the  
37 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law  
38 enforcement officer and the president of the school board or such president's designee.

39 16. The investigation shall begin no later than forty-eight hours after notification from the  
40 children's division is received, and shall consist of, but need not be limited to, interviewing and  
41 recording statements of the child and the child's parents or guardian within two working days after

1 the start of the investigation, of the school district personnel allegedly involved in the report, and of  
2 any witnesses to the alleged incident.

3 17. The law enforcement officer and the investigating school district personnel shall issue  
4 separate reports of their findings and recommendations after the conclusion of the investigation to  
5 the school board of the school district within seven days after receiving notice from the children's  
6 division.

7 18. The reports shall contain a statement of conclusion as to whether the report of alleged  
8 child abuse is substantiated or is unsubstantiated.

9 19. The school board shall consider the separate reports referred to in subsection 17 of this  
10 section and shall issue its findings and conclusions and the action to be taken, if any, within seven  
11 days after receiving the last of the two reports. The findings and conclusions shall be made in  
12 substantially the following form:

13 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer  
14 and the investigating school board personnel agree that there was not a preponderance of evidence to  
15 substantiate that abuse occurred;

16 (2) The report of the alleged child abuse is substantiated. The law enforcement officer and  
17 the investigating school district personnel agree that the preponderance of evidence is sufficient to  
18 support a finding that the alleged incident of child abuse did occur;

19 (3) The issue involved in the alleged incident of child abuse is unresolved. The law  
20 enforcement officer and the investigating school personnel are unable to agree on their findings and  
21 conclusions on the alleged incident.

22 20. The findings and conclusions of the school board under subsection 19 of this section  
23 shall be sent to the children's division. If the findings and conclusions of the school board are that  
24 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case  
25 closed, and no record shall be entered in the children's division central registry. If the findings and  
26 conclusions of the school board are that the report of the alleged child abuse is substantiated, the  
27 children's division shall report the incident to the prosecuting attorney of the appropriate county  
28 along with the findings and conclusions of the school district and shall include the information in the  
29 division's central registry. If the findings and conclusions of the school board are that the issue  
30 involved in the alleged incident of child abuse is unresolved, the children's division shall report the  
31 incident to the prosecuting attorney of the appropriate county along with the findings and  
32 conclusions of the school board, however, the incident and the names of the parties allegedly  
33 involved shall not be entered into the central registry of the children's division unless and until the  
34 alleged child abuse is substantiated by a court of competent jurisdiction.

35 21. Any superintendent of schools, president of a school board or such person's designee or  
36 law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or  
37 who knowingly withholds any information relative to any investigation or report pursuant to this  
38 section is guilty of a class A misdemeanor.

39 22. In order to ensure the safety of all students, should a student be expelled for bringing a  
40 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the  
41 purposes of the accreditation process of the Missouri school improvement plan, be considered a

dropout or be included in the calculation of that district's educational persistence ratio.

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;

- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment under section 565.090; [or]
- (25) Stalking under section 565.225; or
- (26) Making a terrorist threat under section 574.115;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such



1 student's unsupervised presence within one thousand feet of the school is disruptive to the  
2 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of  
3 any pupil who is a student with a disability is subject to state and federal procedural rights. This  
4 section shall not limit a school district's ability to:

5 (1) Prohibit all students who are suspended from being on school property or attending an  
6 activity while on suspension;

7 (2) Discipline students for off-campus conduct that negatively affects the educational  
8 environment to the extent allowed by law.

9 5. The policy shall provide for a suspension for a period of not less than one year, or  
10 expulsion, for a student who is determined to have brought a weapon to school, including but not  
11 limited to the school playground or the school parking lot, brought a weapon on a school bus or  
12 brought a weapon to a school activity whether on or off of the school property in violation of district  
13 policy, except that:

14 (1) The superintendent or, in a school district with no high school, the principal of the school  
15 which such child attends may modify such suspension on a case-by-case basis; and

16 (2) This section shall not prevent the school district from providing educational services in  
17 an alternative setting to a student suspended under the provisions of this section.

18 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under  
19 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a  
20 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,  
21 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except  
22 that this section shall not be construed to prohibit a school board from adopting a policy to allow a  
23 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so  
24 long as the firearm is unloaded. The local board of education shall define weapon in the discipline  
25 policy. Such definition shall include the weapons defined in this subsection but may also include  
26 other weapons.

27 7. All school district personnel responsible for the care and supervision of students are  
28 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any  
29 property of the school, on any school bus going to or returning from school, during school-sponsored  
30 activities, or during intermission or recess periods.

31 8. Teachers and other authorized district personnel in public schools responsible for the care,  
32 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by  
33 the school district, shall not be civilly liable when acting in conformity with the established policies  
34 developed by each board, including but not limited to policies of student discipline or when  
35 reporting to his or her supervisor or other person as mandated by state law acts of school violence or  
36 threatened acts of school violence, within the course and scope of the duties of the teacher,  
37 authorized district personnel or volunteer, when such individual is acting in conformity with the  
38 established policies developed by the board. Nothing in this section shall be construed to create a  
39 new cause of action against such school district, or to relieve the school district from liability for the  
40 negligent acts of such persons.

41 9. Each school board shall define in its discipline policy acts of violence and any other acts

1 that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall  
2 include but not be limited to exertion of physical force by a student with the intent to do serious  
3 bodily harm to another person while on school property, including a school bus in service on behalf  
4 of the district, or while involved in school activities. School districts shall for each student enrolled  
5 in the school district compile and maintain records of any serious violation of the district's discipline  
6 policy. Such records shall be made available to teachers and other school district employees with a  
7 need to know while acting within the scope of their assigned duties, and shall be provided as required  
8 in section 167.020 to any school district in which the student subsequently attempts to enroll.

9 10. Spanking, when administered by certificated personnel and in the presence of a witness  
10 who is an employee of the school district, or the use of reasonable force to protect persons or  
11 property, when administered by personnel of a school district in a reasonable manner in accordance  
12 with the local board of education's written policy of discipline, is not abuse within the meaning of  
13 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division  
14 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or  
15 related to the use of reasonable force to protect persons or property when administered by personnel  
16 of a school district or any spanking administered in a reasonable manner by any certificated school  
17 personnel in the presence of a witness who is an employee of the school district pursuant to a written  
18 policy of discipline established by the board of education of the school district, as long as no  
19 allegation of sexual misconduct arises from the spanking or use of force.

20 11. If a student reports alleged sexual misconduct on the part of a teacher or other school  
21 employee to a person employed in a school facility who is required to report such misconduct to the  
22 children's division under section 210.115, such person and the superintendent of the school district  
23 shall report the allegation to the children's division as set forth in section 210.115. Reports made to  
24 the children's division under this subsection shall be investigated by the division in accordance with  
25 the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district  
26 under subsections 12 to 20 of this section for purposes of determining whether the allegations should  
27 or should not be substantiated. The district may investigate the allegations for the purpose of making  
28 any decision regarding the employment of the accused employee.

29 12. Upon receipt of any reports of child abuse by the children's division other than reports  
30 provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which  
31 allegedly involve personnel of a school district, the children's division shall notify the superintendent  
32 of schools of the district or, if the person named in the alleged incident is the superintendent of  
33 schools, the president of the school board of the school district where the alleged incident occurred.

34 13. If, after an initial investigation, the superintendent of schools or the president of the  
35 school board finds that the report involves an alleged incident of child abuse other than the  
36 administration of a spanking by certificated school personnel or the use of reasonable force to protect  
37 persons or property when administered by school personnel pursuant to a written policy of discipline  
38 or that the report was made for the sole purpose of harassing a public school employee, the  
39 superintendent of schools or the president of the school board shall immediately refer the matter  
40 back to the children's division and take no further action. In all matters referred back to the  
41 children's division, the division shall treat the report in the same manner as other reports of alleged

1 child abuse received by the division.

2 14. If the report pertains to an alleged incident which arose out of or is related to a spanking  
3 administered by certificated personnel or the use of reasonable force to protect persons or property  
4 when administered by personnel of a school district pursuant to a written policy of discipline or a  
5 report made for the sole purpose of harassing a public school employee, a notification of the reported  
6 child abuse shall be sent by the superintendent of schools or the president of the school board to the  
7 law enforcement in the county in which the alleged incident occurred.

8 15. The report shall be jointly investigated by the law enforcement officer and the  
9 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law  
10 enforcement officer and the president of the school board or such president's designee.

11 16. The investigation shall begin no later than forty-eight hours after notification from the  
12 children's division is received, and shall consist of, but need not be limited to, interviewing and  
13 recording statements of the child and the child's parents or guardian within two working days after  
14 the start of the investigation, of the school district personnel allegedly involved in the report, and of  
15 any witnesses to the alleged incident.

16 17. The law enforcement officer and the investigating school district personnel shall issue  
17 separate reports of their findings and recommendations after the conclusion of the investigation to  
18 the school board of the school district within seven days after receiving notice from the children's  
19 division.

20 18. The reports shall contain a statement of conclusion as to whether the report of alleged  
21 child abuse is substantiated or is unsubstantiated.

22 19. The school board shall consider the separate reports referred to in subsection 17 of this  
23 section and shall issue its findings and conclusions and the action to be taken, if any, within seven  
24 days after receiving the last of the two reports. The findings and conclusions shall be made in  
25 substantially the following form:

26 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer  
27 and the investigating school board personnel agree that there was not a preponderance of evidence to  
28 substantiate that abuse occurred;

29 (2) The report of the alleged child abuse is substantiated. The law enforcement officer and  
30 the investigating school district personnel agree that the preponderance of evidence is sufficient to  
31 support a finding that the alleged incident of child abuse did occur;

32 (3) The issue involved in the alleged incident of child abuse is unresolved. The law  
33 enforcement officer and the investigating school personnel are unable to agree on their findings and  
34 conclusions on the alleged incident.

35 20. The findings and conclusions of the school board under subsection 19 of this section  
36 shall be sent to the children's division. If the findings and conclusions of the school board are that  
37 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case  
38 closed, and no record shall be entered in the children's division central registry. If the findings and  
39 conclusions of the school board are that the report of the alleged child abuse is substantiated, the  
40 children's division shall report the incident to the prosecuting attorney of the appropriate county  
41 along with the findings and conclusions of the school district and shall include the information in the

division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

170.047. 1. Beginning in the 2016-2017 school year, any licensed educator may annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for state board of education certification.

2. The department of elementary and secondary education shall develop guidelines suitable for training or professional development in youth suicide awareness and prevention. The department shall develop materials that may be used for such training or professional development.

3. For purposes of this section, the term "licensed educator" means any teacher with a certificate of license to teach issued by the state board of education or any other educator or administrator required to maintain a professional license issued by the state board of education.

4. The department of elementary and secondary education may promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

170.048. 1. By July 1, 2017, each district shall adopt a policy for youth suicide awareness and prevention, including the training and education of district employees.

2. Each district's policy shall address, but need not be limited to, the following:

- (1) Strategies that can help identify students who are at possible risk of suicide;
- (2) Strategies and protocols for helping students at possible risk of suicide; and
- (3) Protocols for responding to a suicide death.

3. By July 1, 2016, the department of elementary and secondary education shall develop a model policy that districts may adopt. When developing the model policy, the department shall cooperate, consult with, and seek input from organizations that have expertise in youth suicide

1 awareness and prevention. By July 1, 2020, and at least every three years thereafter, the department  
 2 shall request information and seek feedback from districts on their experience with the policy for  
 3 youth suicide awareness and prevention. The department shall review this information and may use  
 4 it to change the department's model policy. The department shall post any information on its website  
 5 that it has received from districts that it deems relevant. The department shall not post any  
 6 confidential information or any information that personally identifies any student or school  
 7 employee."; and

8  
 9 Further amend said bil, Page 9, Section 192.926, Line 47, by inserting after all of said section and  
 10 line the following:

11  
 12 "219.011. 1. As used in [sections 219.011 to 219.086] this chapter, unless the context clearly  
 13 indicates otherwise, the following terms mean:

- 14 (1) "Aftercare supervision", treatment and control of children in the community under the  
 15 jurisdiction of the division;  
 16 (2) "Board", the state advisory board of youth services;  
 17 (3) "Child", a person under eighteen years of age;  
 18 (4) "Commit", to transfer legal and physical custody;  
 19 (5) "Community based treatment", a treatment program which is locally or regionally based;  
 20 (6) "Department", the department of social services;  
 21 (7) "Director", the director of the division of youth services;  
 22 (8) "Division", the division of youth services (DYS);  
 23 (9) "Youth", a person under twenty-one years of age committed to the custody of the division  
 24 of youth services.

25 2. When consistent with the intent of [sections 219.011 to 219.086] this chapter, the singular  
 26 includes the plural, the plural the singular and the masculine the feminine.

27 219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may be  
 28 committed to the custody of the division when the juvenile court determines a suitable  
 29 community-based treatment service does not exist, or has proven ineffective; and when the child is  
 30 adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031 or when  
 31 the child is adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031 and is  
 32 currently under court supervision for adjudication under subdivision (2) or (3) of subsection 1 of  
 33 section 211.031. The division shall not keep any [child] youth beyond his eighteenth birth date,  
 34 except upon petition and a showing of just cause in which case the division may maintain custody  
 35 until the [child's] youth's twenty-first birth date. Notwithstanding any other provision of law to the  
 36 contrary, the committing court shall review the treatment plan to be provided by the division. The  
 37 division shall notify the court of original jurisdiction from which the child was committed at least  
 38 three weeks prior to the child's release to aftercare supervision. The notification shall include a  
 39 summary of the treatment plan and progress of the child that has resulted in the planned release. The  
 40 court may formally object to the director of the division in writing, stating its reasons in opposition  
 41 to the release. The director shall review the court's objection in consideration of its final approval

1 for release. The court's written objection shall be made within a one-week period after it receives  
2 notification of the division's planned release; otherwise the division may assume court agreement  
3 with the release. The division director's written response to the court shall occur within five working  
4 days of service of the court's objection and preferably prior to the release of the child. The division  
5 shall not place a child directly into a precare setting immediately upon commitment from the court  
6 until it advises the court of such placement.

7 2. No child who has been diagnosed as having a mental disease or a communicable or  
8 contagious disease shall be committed to the division; except the division may, by regulation, when  
9 [facilities] services for the proper care and treatment of persons having such diseases are available at  
10 any of the facilities under its control, authorize the commitment of children having such diseases to it  
11 for treatment [and training] in such institution. Notice of any such regulation shall be promptly  
12 mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving  
13 children.

14 3. When a child has been committed to the division, the division shall forthwith examine the  
15 individual and investigate all pertinent circumstances of his background for the purpose of  
16 facilitating the placement and treatment of the child in the most appropriate program or residential  
17 facility to assure the public safety and the rehabilitation of the child; except that, no child committed  
18 under the provisions of subdivision (2) of subsection 1 of section 211.031 may be placed in the  
19 [regional] residential facilities [at the W. E. Sears Youth Center at Poplar Bluff or the Hogan Street  
20 Regional Youth Center at St. Louis] designated by the division as a maximum security facility,  
21 unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section  
22 211.031.

23 4. The division may transfer any child under its jurisdiction to any other institution for  
24 children if, after careful study of the child's needs, it is the judgment of the division that the transfer  
25 should be effected. If the division determines that the child requires treatment by another state  
26 agency, it may transfer the physical custody of the child to that agency, and that agency shall accept  
27 the child if the services are available by that agency.

28 5. The division shall make periodic reexaminations of all children committed to its custody  
29 for the purpose of determining whether existing dispositions should be modified or continued.  
30 Reexamination shall include a study of all current circumstances of such child's personal and family  
31 situation and an evaluation of the progress made by such child since the previous study.  
32 Reexamination shall be conducted as frequently as the division deems necessary, but in any event,  
33 with respect to each such child, at intervals not to exceed six months. Reports of the results of such  
34 examinations shall be sent to the child's committing court and to his parents or guardian.

35 6. Failure of the division to examine a child committed to it or to reexamine him within six  
36 months of a previous examination shall not of itself entitle the child to be discharged from the  
37 custody of the division but shall entitle the child, his parent, guardian, or agency to which the child  
38 may be placed by the division to petition for review as provided in section 219.051.

39 7. The division is hereby authorized to establish, build, repair, maintain, and operate, from  
40 funds appropriated or approved by the legislature for these purposes, facilities and programs  
41 necessary to implement the provisions of [sections 219.011 to 219.086] this chapter. Such facilities

or programs may include, but not be limited to, the establishment and operation of training schools, maximum security facilities, [park camps, regional] moderate care facilities, group homes, day treatment programs, family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

8. The division may institute day release programs for children committed to it. The division may arrange with local schools, public or private agencies, or persons approved by the division for the release of children committed to the division on a daily basis to the custody of such schools, agencies, or persons for participation in programs.

9. [The division may establish and offer on-the-job vocational training to develop work habits and equip children committed to it with marketable skills. Such training shall not exceed eight hours per day. The division may provide for the payment of reasonable wages or allowances for work or tasks performed by a child committed to the division. For any work performed by a child committed to the division in any state park or park work camp, the state park board is hereby authorized, out of appropriations made to it, to pay wages not in excess of fifteen dollars per month to each child. All funds paid to the child in accordance with this section shall be deposited with the director and not less than one-half of this amount shall be paid monthly to the child. The balance of such funds shall be held in trust by the director for payment to the child at the time of his release from a facility.

10.] The division shall make all reasonable efforts to ensure that any outstanding judgment entered in accordance with section 211.185 or any outstanding assessments ordered in accordance with section 211.181 be paid while a child is in the care, custody or control of the division.

219.091. 1. As used in this section, the term "department" means:

- (1) The office of administration;
- (2) The department of agriculture;
- (3) The department of conservation;
- (4) The department of economic development;
- (5) The department of elementary and secondary education;
- (6) The department of health and senior services;
- (7) The department of higher education;
- (8) The department of transportation;
- (9) The department of insurance, financial institutions and professional registration;
- (10) The department of labor and industrial relations;
- (11) The department of mental health;
- (12) The department of natural resources;
- (13) The department of public safety;
- (14) The department of revenue; and
- (15) The department of social services.

2. The division of youth services [shall] may develop and establish a community work program whereby [offenders from age fourteen to eighteen] youth committed to the custody of the division may be employed in projects developed and established by any department.

1           3. The director or chief administrative officer of any department may request that the  
2 director of the division of youth services choose suitable [offenders] youth for employment in work  
3 projects developed by the division. Such projects shall be designed and approved by the director or  
4 chief administrative officer of any department and approved by the director of the division of youth  
5 services.

6           4. The division of youth services shall retain custody, supervision and control of any  
7 [offender] youth employed in a work project developed pursuant to this section. Any work [crew]  
8 group employed in a work project developed pursuant to this section shall consist of not more than  
9 [eleven offenders] thirteen youth.

10          5. No offender shall be employed in a work project developed pursuant to this section if the  
11 offender has been convicted of a violent crime or whose conduct while under the control of the  
12 division of youth services suggests a propensity toward violence. As used in this subsection, the  
13 term "violent crime" means any crime which, in the determination of the director of the division of  
14 youth services, involves violence or the threat of violence.

15          6. The department proposing the work project shall supply all plans, tools and equipment  
16 necessary for the completion of work projects developed pursuant to this section.

17          7. The department proposing the work project shall supply [crew leaders] staff to direct work  
18 [crews] groups and supervise the completion of work projects. Such [crew leaders] staff shall be  
19 employees of the department proposing the work project and shall receive from such department and  
20 the division of youth services [at least twenty hours of] appropriate training per year, which shall be  
21 designed to instruct the [crew leaders] staff in the skills necessary to perform their duties.

22          8. The department proposing the work project and the division of youth services may  
23 promulgate rules to effectuate the purposes of this section pursuant to chapter 536 and section  
24 217.040.

25          9. For any work performed by a youth committed to the division in any state park, the state  
26 park board is hereby authorized, out of appropriations made to it, to pay wages.

27          10. The division may establish and offer on-the-job vocational training to develop work  
28 habits and equip youth committed to it with marketable skills. The division may provide for the  
29 payment of reasonable wages for work or tasks performed by a youth committed to the division. All  
30 payments made to or on behalf of the youth under this subsection shall be property of the youth;  
31 however, the division may place such restrictions on the youth's access to the funds as the division  
32 determines appropriate in the best interests of the youth and to assure security in the division's  
33 facilities. All funds paid to or on behalf of the youth in accordance with this subsection shall be  
34 deposited in the DYS trust fund established in section 219.095.

35          219.095. 1. There is hereby created a special class of trust funds to be known as the "DYS  
36 Trust Fund" for depositing wages earned by a youth or for other funds provided for the use or benefit  
37 of the youth. These funds will be established for each facility where youth are located in the custody  
38 of the DYS throughout the state. The division shall deposit money in a DYS trust fund with a  
39 financial institution. Any earnings attributable to the money in the account of a youth shall be  
40 credited to that youth's DYS trust fund. The division will establish regulations regarding the creation  
41 and administration of accounts. Moneys in these special trust funds shall not be deemed to be state



1 funds. Moneys deposited in these funds shall be used only for the purposes specified by federal or  
2 state law, or regulation of the division. Notwithstanding the provisions of section 33.080 to the  
3 contrary, moneys in these funds shall not be transferred to general revenue at the end of each  
4 biennium. Any funds not expended by or on behalf of the youth before the youth's release from  
5 DYS residential care shall be paid to the youth upon release from DYS residential care.

6 2. The division shall establish by regulation a program for youth to access funds, as deemed  
7 appropriate by the division, in the DYS trust fund for reasonable purposes while the youth is in DYS  
8 residential care. The program shall include training for youth on wise money management,  
9 maintaining personal financial accounts, and saving money for use after discharge from DYS  
10 residential care.

11 3. There is hereby created a special trust fund to be known as the "DYS Child Benefits Fund"  
12 within the state treasury for depositing of payments from the social security administration to youth  
13 in DYS custody. Moneys in this special trust fund shall not be deemed to be state funds. Moneys  
14 deposited in this fund shall be used only for the purposes specified by federal or state law, or  
15 regulation of the division. The state treasurer shall be custodian of the fund and may approve  
16 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The state  
17 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any  
18 interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the  
19 provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general  
20 revenue at the end of each biennium. Any funds not expended by or on behalf of the youth before  
21 release from DYS residential care shall be distributed as required by federal law.

22 4. The division may accept an appointment to serve as representative payee or fiduciary, or  
23 in a similar capacity for payments to a youth from the social security administration or under any  
24 public or private benefit arrangement. Money so received shall be governed by this section unless  
25 otherwise provided by law.

26 5. Any money received by the division under this section on behalf of a youth shall be  
27 deposited in either a DYS trust fund or the DYS child benefits fund and accounted for in the name of  
28 the youth or as representative payee of the youth. The division shall by rule adopted under chapter  
29 536 establish procedures for the use and accounting of the money and the protection of the money  
30 against theft, loss, or misappropriation. The rules promulgated by the division shall comply with all  
31 federal requirements to be a representative payee of the youth.

32 6. The division may accept funds which a parent, guardian or other person wishes to provide  
33 for the use or benefit of the youth. The funds shall be deposited in a DYS trust fund in the name of  
34 the youth at the DYS location where the youth resides. The use of such funds shall be governed by  
35 this section.

36 7. Each youth shall be furnished annually with a statement listing every transaction  
37 involving funds which have been deposited with the division on the youth's behalf, to include all  
38 receipts and disbursements.

39 8. The division shall use all proper diligence to promptly disburse any balance of money  
40 accumulated in the youth's account in the manner required by law when the youth is released from  
41 DYS residential care or upon death of the youth. When the youth is deceased the balance shall be

1 disbursed according to the procedures established by law for descent and distribution or, in the case  
2 of moneys received from the social security administration as representative payee, disbursed as  
3 required by federal law. If, after the division has diligently used such methods and means as  
4 considered reasonable to refund such funds, there shall remain any money, the owner of which is  
5 unknown to the division, or if known, cannot be located by the division, in each and every such  
6 instance such money shall be reported pursuant to sections 447.500 to 447.595.

7 9. Within five years after money has been paid into the state treasury, any person who  
8 appears and wishes to claim the money may file a petition in the circuit court of Cole County,  
9 Missouri, stating the nature of the claim and requesting that such money be paid to such person. A  
10 copy of the petition shall be provided to the director of the department of social services who shall  
11 file an answer to the same. The court shall proceed to examine the claim and the allegations and  
12 proof, and if it finds that such person is entitled to any money so paid into the state treasury, it shall  
13 order the commissioner of administration to issue a warrant on the state treasurer for the amount of  
14 such claim, but without interest or costs. A certified copy of the order shall be sufficient voucher for  
15 issuing a warrant; provided, that either party may appeal from the decision of the court in the same  
16 manner as provided by law in other civil actions.

17 10. All moneys remaining unclaimed for a period of five years that have been paid into the  
18 state treasury under the provisions of this section after remaining there unclaimed for five years shall  
19 escheat and vest absolutely in the state and be credited to the state treasury, and all persons shall be  
20 forever barred and precluded from setting up title or claim to any such funds.

21 11. Nothing in this section shall be deemed to apply to funds regularly due the state of  
22 Missouri for the support and maintenance of youth in the care and custody of the division or  
23 collected by the state of Missouri as reimbursement for state funds expended on behalf of the  
24 youth."; and

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.  
28